

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPL. NO. : 09/357,349  
APPLICANT : Geerts, *et al.*  
TITLE : Neurotrophic Growth Factor  
EXAMINER : Sharon L. Turner, Ph.D.  
DOCKET NO. :

DECLARATION UNDER 37 C.F.R. § 1.131(a)


Dear Sir:

I, Stefan Masure, an inventor in the above-identified patent application, declare that:

1. I and my co-inventors were in possession of the invention of the above-identified application prior to July 6, 1998. This is evidenced by the contents of a facsimile faxed on July 3, 1998 from the Janssen Research Foundation in Beerse, Belgium to our patent attorney, Mr. Colm Murphy of Boulton Wade Tennant, in London, UK during the course of finalizing our patent application. Two pages of the facsimile (pages 14 and 15) are attached as Exhibit A.
2. Pages 14 and 15 of the July 3, 1998 facsimile (Figures 1 and 2) demonstrate that we were in possession of the polypeptide sequence of the mature neurotrophic polypeptide termed enovin, as well as the nucleic acid sequence encoding the neurotrophic polypeptide. The consensus sequence of enovin was obtained by PCR amplification on different cDNAs and on genomic DNA followed by cloning and sequence analysis and comparison of the obtained sequences. In Figure 1, the one letter code amino acid sequence is shown above the DNA sequence. The polypeptide complete with prodomain is shown and the start of the mature enovin polypeptide sequence is indicated by an arrow. Figure 2 (page 15 of the facsimile) provides an alignment of enovin with the predicted mature protein sequences of GDNF, NTN, and PSP, three previously known neurotrophic factors.

The declarant further states that the above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

Date: 18/11/2004

  
Signature of: Stefan Masure

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